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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 3779/2007

KUNDAN Vs. DALIP & ORS.

DATE: 25.07.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. G.K. Jain for
Mr. Hanuman Choudhary for the petitioner.
Mr. Rajesh Kapoor and
Mr. S.K. Singodiya for the respondents.

This writ petition is directed against the orders dated 24.08.2001, 08.04.2003 and 06.02.2007. The petitioner submits that he being a member of Scheduled Caste having possession over the disputed land bearing Khasra No. 487, Rakba 2.40 Hecter, Khasra No. 489, Rakba 1.96 Hecter, total land 2 Rakba 4.36 Hecter situated at village Bilwa, Tehsil Khetri, District Jhunjhunu. He challenged dispossession from the land in question and as per Section 19 of the Rajasthan Tenancy Act, 1955 after the death of father of the petitioner, he becomes owner of the land on the basis of the possession.

The petitioner has placed Jamabandi dated 19.02.2002 on record as Annexure-1 issued by the

Tehsildar, Land Records, Khetri. The petitioner filed application under Section 212 of the Rajasthan Tenancy Act before the Court of Sub Divisional Officer cum Paden Assistant Collector, Khetri and the same was rejected by the SDO vide order dated 24.08.2001. The said impugned order dated 24.08.2001 was assailed by the petitioner before the Revenue Appellate Authority, Sikar by way of filing appeal and that too was dismissed by the Revenue Appellate Authority vide order dated 08.04.2003. Further the petitioner challenged the said order dated 08.04.2003 before the Board of Revenue, Rajasthan, Ajmer by way of filing revision and the the Board of Revenue also following the concurrent findings given by SDO, Jhunjhunu and Revenue Appellate Authority, Sikar, dismissed the revision so filed by the petitioner vide judgment dated 06.02.2007.

I have heard rival submissions of the respective parties and have also gone through the orders passed by the Tehsilar, SDO, Revenue Appellate Authority and the Board of Revenue, Ajmer.

All the Courts below have given concurrent findings against the petitioner. The petitioner is not the Khatedar tenant and argued before this Court that the land belongs to Scheduled Caste cannot be transferred to the general category, whereas infact the

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petitioner is not the Khatedar tenant and he is only claiming right to the land having a possession over the land in dispute.

In such circumstances, concurrent findings given by the Courts below require no interference by this Court as the petitioner is not able to make out any case and is only claiming that he may not be dispossessed from the land in dispute. I find no merit in the writ petition. The petitioner has no legal right to have possession over the disputed land.

Consequently, the writ petition fails and the same is herewith dismissed.

(K.S. RATHORE), J.

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